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December 23, 2019

By Electronic Filing

Honorable Edgardo Ramos
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *People of the State of New York v. Pennsylvania Higher Education Assistance Agency
d/b/a FedLoan Servicing and American Education Services, 19-cv-9155*

Dear Judge Ramos:

Mindful of the Court's three-page limitation on letters setting forth the bases for pre-trial motions, we write on behalf of defendant Pennsylvania Higher Education Assistance Agency (PHEAA) to request leave to supplement our December 2, 2019 letter. (Dkt. No. 15). If permitted, we will supplement our letter to raise an argument related to those already discussed in our December 2 letter, addressing whether PHEAA is entitled to derivative sovereign immunity and whether New York's state law claims are preempted. We seek leave to supplement our letter based on the December 20, 2019, Statement of Interest the U.S. Department of Education (Department) filed in the United States District Court for the District of Connecticut, in which the Department advocates the application of the doctrine of intergovernmental immunity. *See Pa. Higher Educ. Assistance Agency v. Perez*, No. 3:18-cv-01114-MPS, (D. Conn.) (Dkt. No. 70), at 14–17.

If permitted leave to supplement our letter, we propose to submit a letter no more than one page.

We thank the Court for its consideration of our request.

Respectfully submitted,

/s/ Marjorie J. Pearce

Marjorie J. Pearce

MJP/mm

cc: Jane M. Azia, Esq. (by ECF)
Carolyn M. Fast, Esq. (by ECF)
Sarah E. Trombley, Esq. (by ECF)

The Court is in receipt of the plaintiffs' reply to this letter, Doc. 25. The defendant's application is GRANTED. It may file a one-page supplement by Monday, December 30, 2019. The plaintiff may file a one-page reply by Monday, January 6, 2020.

SO ORDERED.



Vernon S. Broderick 12/27/2019
United States District Judge